

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

STORUS CORPORATION,

No. C-06-2454 MMC

Plaintiff,

**ORDER RE: DEFENDANT
RESTORATION HARDWARE, INC.'S
LETTER OF OCTOBER 30, 2006**

v.

RESTORATION HARDWARE, INC., et al.,

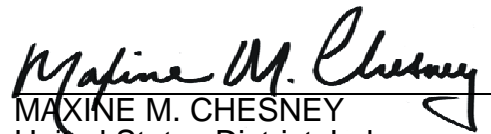
Defendants

The Court is in receipt of a letter from defendant Restoration Hardware, Inc. ("Restoration Hardware"), dated October 30, 2006, in which Restoration Hardware requests that the Court modify its order of October 30, 2006 to reflect a dismissal of plaintiff's claims with prejudice, as opposed to without prejudice. According to Restoration Hardware, the parties have agreed that at such time as Restoration Hardware provides certain consideration to plaintiff, Restoration Hardware will be entitled to dismissal with prejudice.

The Court does not generally act on letter requests. In any event, Restoration Hardware's request for modification is premature, as the agreed consideration has not been paid and need not be paid until November 16, 2006. Upon such payment, however, plaintiff may submit a dismissal with prejudice or, alternatively, the parties may submit a stipulation requesting that the Court's order of October 30, 2006 be modified to reflect that the dismissal is with prejudice.

IT IS SO ORDERED.

Dated: November 7, 2006


MAXINE M. CHESNEY
United States District Judge